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Letter dated 16 July 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

In view of the upcoming consultations by the Security Council on the report of the Secretary-General on the implementation of the Comprehensive Peace Agreement, I have the honour to transmit to you, and through you to the esteemed members of the Security Council, the explanatory notes on the work of the National Elections Commission and the modified time frame for the elections (see annexes).*

I would be grateful if the present letter and its annexes could be circulated as a document of the Security Council.

(*Signed*) Hassan Hamid **Hassan**
Chargé d'affaires a.i.

* The annexes are being circulated in the languages of submission only.

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Annex I to the letter dated 16 July 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic and English]

Notes on the Work of the National Elections Commission.

By Abel Alier

The National Elections Commission (NEC) was established toward the end of 2008 . Its wide powers and functions are defined in the National Elections Act, 2008.

The Commission is guided, in its work, by three important documents: the Comprehensive Peace Agreement (CPA), 2005, the Interim National Constitution (INC), 2005 and the National Elections Act (NEA), 2008.

The CPA

The CPA is a historic agreement whose provisions include power and wealth sharing arrangements; it emphasizes the need for restoration of peace, justice and reconciliation, between the people of the North and South; it provides for decentralization as a system of government; it provides for self-determination for the people of the Southern Sudan, either to adopt the system of governance agreed by the two parties for the interim period or to opt for secession. Before the conduct of the referendum for self-determination the two parties are bound to make unity attractive for people of the Southern Sudan, and it provides for implementation modalities, to ensure implementation of all its terms within a specific time frame.

Significantly the two partners to the CPA agreed to open up to a peaceful, democratic exercise of public power through political pluralism that includes opposition political parties and to conduct periodically, free and fair general multi-party elections.

The Interim National Constitution and the National Elections Act, constitute the **constitutional** and the **legal framework** of the CPA.

The National Elections Commission (NEC)

The Commission is composed of nine members, selected and appointed by the President of the Republic, with the consent of the First Vice President and the approval of two-thirds majority of members of the National Assembly, taking into consideration inclusiveness of representation, to include women and other civil society groups.

Powers and functions of the Commission are defined by the Interim National Constitution and the National Elections Act. The Commission is an independent and impartial body. Its main task is to organize and conduct general elections in an orderly way, with freedom and justice.

The Commission has established its institutions, including a Secretariat General, headed by a competent and experienced Secretary General, four Standing Committees (Communication and Coordination, Register, Electoral Constituencies, Technical Affairs and Southern Affairs and states High Committees), led by some members of the Commission. There are three departments which work with the Secretary General on administrative and financial matters, Information and Technology and Public Relations.

Budget of the Commission

The Elections Budget for 2009 has been prepared by the Commission and submitted to the Presidency of the Republic for inclusion within the General Annual Budget of the State. It is a substantial budget, 1.1 (one point one) billion US Dollars, considering the complexity of these elections as indicated below.

Complexity of the Elections

There will be elections for the President of the Republic, the President of the Government of Southern Sudan and 25 Governors – 15 for the Northern States and 10 for the Southern States. These are known as **executive elections.** There will be elections for the legislative assemblies: the National Assembly, the Assembly for the Southern Sudan and 25 State Assemblies, in the whole country. The legislative elections will be partly direct and partly indirect elections that is to say direct elections and proportional representation. There are **no appointments** to the legislative bodies and for the election of the President of the Republic and the President of the Government of Southern Sudan; a vote of 51% is required for a candidate to get elected; otherwise a second vote is required for the first two candidates in the order of results of the first poll.

The Constitution and the law provide for 60% of seats for the geographical constituencies; 25% of the seats for women and 15% of the seats for the political party lists.

The seats in the National Assembly are 450. Hence 270 seats will be for geographical constituencies; 112 seats for women and 68 seats for the political party lists.

All the executive and legislative elections will be conducted at the same time.

Rules and Regulations.

The election law is supplemented by Rules and Regulations which have been prepared by a technical committee, led by competent and experienced lawyers; they were vetted and passed by the Commission. The Rules and Regulations constitute an important part of the National Elections Act.

26 High Committees.

The election law provides for establishment of 26 High Committees, one for the Southern Sudan and 25 for all the twenty five states of the Sudan.

The High Committees have been appointed. Each High Committee is composed of five members, including a leader. In addition to the High Committees there are 25 Chief Elections Officers.

The Commission has delegated substantial powers and functions to the High Committees. They are independent of the executive and the legislative bodies, just as the Commission is independent of such bodies. The High Committees are directly responsible to the Commission for everything they do, including establishing branch committees. The Three Towns (Khartoum, Khartoum North and Omdurman) have three branch committees.

Training, Civic Education and Voter Awareness.

Staff of the Commission and voters will be given opportunities for training and education. Voters occupy a central position in the whole electoral process. They deserve to know their political and human rights, under the Interim National Constitution, **to make** and **unmake public leaders**. Voters should also be made aware of their duties. They should register and should vote on policies and programmes of political parties and individual candidates..

Information.

The Commission invited Professor Ali Mohamed Shummu and other prominent information experts, to assist it in establishing an information strategy for providing equal opportunities to all the 69 political parties, in the media. The Commission is in the process of establishing a media center which should be well equipped.

Observers.

The Commission has invited local, regional and international observers to monitor the elections, from beginning: demarcation of geographical constituencies, voters' registration, nomination of candidates, campaign and polling, to the end: counting of votes and the announcement of the election results.

A number of observers have already applied to acquire observer status. These include the Carter Center.

Observers have rights and obligations. They have freedom of movement from one part of the country to another as they observe the electoral process; they have right of residence and they are guaranteed the security of their person and property. The observer is free to observe the whole electoral process or only a part of it.

The Commission and the Political Parties.

The Commission has established liaison with political parties as required by the elections law; High Committees are also required to be encouraged to liaison with political parties in their respective areas. Political parties are expected to take a substantial share of voters' education, even though they may generally also need more enlightenment from the Commission,.

A number of meetings have, so far, been arranged and conducted with individual political parties. More of such meetings are expected and encouraged by the Commission.

In these meetings a number of concerns have been raised; they include demarcation of geographical constituencies, registration of voters, role of the current popular committees in identifying voters, cost of ID cards which many voters can hardly afford, the need for financial assistance by the government to about 69 registered political parties. Some of the concerns raised are outside the competence of the Commission.

Cooperation with foreign governments, regional and international organizations.

The Commission has established channels of cooperation with governments, regional and international organizations, including the UN system. Committees have been established by the Commission and these bodies, to manage areas and substance of cooperation. Through these channels the Commission has received pledges of financial, material and other technical support for the electoral process. The UN bodies, in particular UNDP and UNMIS, have been active in mobilization of assistance; states like USA, Italy, Royal Kingdom of Netherlands, UK and Japan have made generous contributions through third parties, such as the UNDP.

The Ministry of Foreign Affairs and the Ministry of International Cooperation have played and still play, instrumental roles to secure support for the electoral process.

Time-frame of Elections.

A Time Schedule for the electoral process was set in February, 2009 and published by the Commission. Polling, counting of votes and announcement of results was fixed in the Time-schedule as 27.2.2010. Demarcation of geographical constituencies was fixed for 1st March, 2009, as indicated in the Time-Schedule. But progress of work depended on census results and delimitation of North-South borders. Delay of census results and North-South borders delimitation have affected the electoral process, tabulated in the Time-Schedule. For instance, time schedule for **demarcation** of geographical constituencies had to be changed from 1st March - 15th April and again from April 15th to the end of May. This was also the case for North-South Border demarcation.

Due to delay of public announcement of the census count and North-South border demarcation, some readjustment of the Time-Schedule has become necessary. The census results were presented to the Commission, by the Presidency on 6th May 2009; the North-South Border demarcation will be completed, on paper, in September and on the ground, in December, 2009. This means some readjustment of some geographical constituencies at North-South Borders may have to be made in or after December, if necessary.

Governors, county commissioners, legislators, political parties and others, are advised to have a look at the Time-Schedule as set for the electoral process and to expect some adjustments, occasioned by the delays.

Penalties.

The National Elections Act provides for penalties against contraventions of its provisions. Some of the penalties in the law are justifiably stiff.

There will be special courts to look into complaints relating to violations of the elections law. Candidates, their agents, political parties and election officials are expected to familiarize themselves with these relevant provisions of the law.

Sportsman-like Spirit.

Competition in elections between candidates of different political parties is like a football game in which two or more football teams are competing. There is a referee who directs the play, according to the rules of the game. A referee observes the rules and applies them strictly but fairly; final results are accepted by all, with a sportsman-like spirit.

The role of the National Elections Commission is like that of the **Football Referee**. The National Elections Act and its Rules and Regulations are the Commission's guides within the framework of the CPA and the Interim National Constitution. The Commission, like the Football Referee, will observe and apply justly the Elections Law and its Rules and Regulations.

The Commission is committed to and bound by the principles of **free, fair and transparent elections**.

Annex II to the letter dated 16 July 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic and English]

The National Elections Commission

Modified Elections Time-Frame

Date	Election Process	Act
Wed. 10/6 /2009– Thu. 9/7/2009 (30) days	Demarcation of constituencies	Period proposed by RCTC
Fri. 10/7/2009	First publication of constituency demarcation	Article 39(1)
Sun.12/7 /2009 – Mon. 10/8/2009 (30) days	Objections to constituencies demarcation	Article 39(2)
Mon. 10/8/2009 – Sat. 15/8/2009 (5) days	Consideration of objections and proposals by NEC.	Period recommended by RCTC
Sun. 16/8/2009	Second publication including amendments of boundaries of geographical constituencies.	Article 39(3)
Mon. 17/8/2009 – Sun. 30/8/2009 (14) days	Submission of objections to courts	Article 40
Mon. 31/8/2009 – Sun. 6/9/2009 (6) days	Courts decisions on bounderies of geographical constituencies.	
Mon. 7/9/2009 – Sun. 12/9/2009 (5) days	Amendments of constituencies' boundaries after issuance of courts decisions. Preparation of final draft of boundaries of constituencies.	

Sun. 13/9/2009 – Sat. 31/10/2009 (45) days	Preparation for registration and training of participants in the elections process.	
Sun. 1/11/2009 – Mon. 30/11/2009 (30) days	Registration period.	
Tue. 1/12/2009	First publication of the register.	
Wed. 2/12/2009 – Wed. 9/12/2009 (8) days	Objections to the register.	Article 24(1)
Thu.10/12/2009 – Tue. 15/12/2009 (5) days	Consideration of objections to the register.	Article 24(2)
Wed. 16/12/2009	Publication of amendments of the register.	
Thu.17/12/2009 – Thu. 31/12/2009 (15) days	Objections to amendments of the register	Article 24(3)(B)
Fri. 1/1/2010 – Tue. 5/1/2010 (5) days	Consideration of amendments of the register.	Article 24(4)
Tue. 5/1/2010	Final publication of the register.	
Wed. 6/1/2010 – Sat. 16/1/2010 (11) days	Candidates' applications for nominations.	
Sat. 16/1/2010	Closing date of nominations.	Article 61(1)
Sun. 17/1/2010	Publication of candidates' names.	

Mon. 18/1/201 – Mon. 25/1/2010 (8) days	Appeals to courts by candidates whose nominations were rejected.	Article46(1)
Tue. 26/1/2010 – Mon. 1/2/201 (7) days	Courts decisions.	Article 46(2)
Tue. 2/2 /2010	Final publication of nominations.	Article 47
Wed. 3/2/2010	Last day for withdrawal of nominations at all levels.	Article 46(2) Article 61(1)
Thu. 4/2/2010 – Sun. 4/4/2010 (60) days	Election campaign period.	Article 64(1)
Mon. 5/4/2010 – Mon. 12/4/2010 (8) days	Polling, sorting and announcement of results	

Abel Aller
Chairman NEC